



MAYOR AND COUNCIL AGENDA

NO. § DEPT.: Community Planning and Development Services / Legal DATE PREPARED: 4/25/05
STAFF CONTACT: Deane Mellander FOR MEETING OF: 5/9/05

SUBJECT: Adoption of resolution to enlarge the corporate boundaries by 16.96 acres, more or less, to include the area known as Twinbrook Metro Station, Washington Metropolitan Area Transit Authority (WMATA), and Montgomery County, Maryland, owners. Washington Metropolitan Area Transit Authority, Petitioner.

RECOMMENDATION: Adopt resolution. The resolution has been modified to reflect the change in the public hearing date. A motion to amend the resolution as modified should be made, seconded and passed and then the resolution as so amended may proceed to adoption.

DISCUSSION: Twinbrook Commons L.L.C. and WMATA have entered into a joint development agreement to develop the 26-acre WMATA owned property at the Twinbrook Metro Station. The applicant is proposing a mixed-use residential, office, and retail transit oriented development. Currently, 16.96 acres of the project are in Montgomery County. The portion of the proposed development within the City on the west side of the tracks is 8.36 acres. There is also a 1.77- acre parcel within the City of Rockville on the east side of the tracks that is commonly referred to as the Suburban Propane site.

The subject area to be annexed into the City is proposed to be zoned RPC (Rockville Pike Commercial). It is the goal of the City and the applicant to obtain consistent zoning across the entire project area. Utilizing the Sectional Map Amendment procedure, the City will obtain the ability to rezone the Suburban Propane site, from I-2 to RPC along with the property that is the subject of annexation. In addition a portion of Ardennes Avenue is being annexed (approximately .77 acres), for a total project area of 27.08 acres.

Other information regarding the Twinbrook Commons development can be obtained in associated cases that include the Preliminary Development Plan (PDP2004-00009), and the Text Amendment case (TXT2004-00213). The Mayor and Council approved the PDP and adopted the text amendment ordinance on April 4, 2005.

Within 45 days of the adoption of the resolution to enlarge the corporate boundaries, the annexation may be petitioned to referendum if the petition is signed by 20% of the registered voters living within the annexation area. At the end of the 45 day period, the annexation becomes final. The 45 period would expire on June 23, 2005.

In connection with the Annexation Petition, Twinbrook Commons LLC submitted a draft annexation agreement setting forth the nature and extent of the proposed development. A final version of that agreement will be brought before you at a future meeting along with a resolution authorizing its execution.

Boards and Commissions Review: The Planning Commission reviewed this item at its meeting on December 15, 2004, and recommended approval. Its recommendation is shown on Attachment 2.

PREPARED BY:

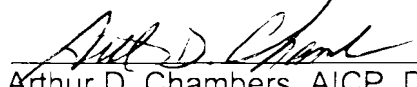


Deane Mellander, AICP, Acting Chief of Planning

5/4/05

Date

APPROVE:



Arthur D. Chambers, AICP, Director

5/4/05

Date

APPROVE:



Scott Ullery, City Manager

5/4/05

Date

LIST OF ATTACHMENTS:

1. Resolution.
2. Planning Commission recommendation.
3. Location map.

Resolution No. _____

RESOLUTION:

To enlarge the corporate boundaries of the City of Rockville to include 16.96 acres of land of the Washington Metropolitan Area Transit Authority (WMATA) and Montgomery County, Maryland

WHEREAS, public notice of a resolution to annex property of the Washington Metropolitan Area Transit Authority (WMATA), and Montgomery County, Maryland, totaling 16.96 acres of land, more or less, hereinafter more particularly described, has been published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice specifying that a public hearing would be held by the Mayor and Council on said resolution at Rockville City Hall, on [November 1, 2004] January 10, 2005, at 7:00 p.m.; and

WHEREAS, the Mayor and Council conducted a public hearing on said resolution at the time and place provided for in said advertisement which hearing was not less than fifteen days after the second publication of the public notice referenced above; and

WHEREAS, an outline for the extension of services and public facilities into the area to be annexed was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing; and

WHEREAS, immediately after the first publication of the public notice in said newspaper, a copy of that public notice and the Planning Commission Preliminary Report was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission; and

WHEREAS, this matter having been considered and deliberated by the Mayor and Council of Rockville, and the Mayor and Council having decided that enactment of this resolution would promote the health, safety and welfare of the City of Rockville.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

Section 1. That the corporate limits of the City of Rockville are hereby extended to include the following area, which is hereby added to the City.

PART OF THE PROPERTY OF
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
AND
PART OF LOTS 13 AND 14, BLOCK 8
SPRING LAKE PARK
AND
A PORTION OF
PARKLAWN DRIVE
AND
A PORTION OF
ARDENNES ROAD
ROCKVILLE (4TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being part or all of the property acquired by Washington Metropolitan Area Transit Authority, in the following nineteen (19) conveyances:

- 1.) From Suburban Propane Gas Corporation by deed dated November 25, 1981 and recorded in Liber 5801 at Folio 457;
- 2.) From Danac Real Estate Investment Corporation by deed dated March 4, 1980 and recorded in Liber 5490 at Folio 212, and also being part of Lot 3, Block "A", Spring Lake Park Halpine Subdivision, as recorded in Plat 9204
- 3.) From Danac Real Estate Investment Corporation by deed dated November 14, 1979 and recorded in Liber 5434 at Folio 504
- 4.) From Walter W. Anderson and Mildred Anderson by deed dated January 7, 1980 and recorded in Liber 5465 at Folio 110
- 5.) From Margaret Belle Myers and Irvin P. Myers by deed dated January 17,



1980 and recorded in Liber 5469 at Folio 846

6.) From Dorthy C. Poates and Henry W. Poates, Jr. by deed dated December 21, 1979 and recorded in Liber 5459 at Folio 123

7.) From William H. Metcalfe, et ux. and unknown owners by deed dated February 20, 1967 and recorded in Liber 5402 at Folio 801

8.) From Janet R. Gilbert, et al by deed dated February 20, 1967 and recorded in Liber 5501 at Folio 890

9.) From Michale Tuchler and Ziona Tuchler by deed dated August 14, 1980 and recorded in Liber 5560 at Folio 074

10.) From Dorothy K. Clagett, Mary Margeret Gaver, Pauline Baker, Harry L. Kraft, D. Leonard Kraft, Hilda K. Boswell, J. Woodrow Kraft and Marjorie Coates by deed dated September 1980 and recorded in Liber 5587 at Folio 091, and also being a portion of Parcel "A" as shown on Plat No. 9547

11.) From Daniel Leonard Kraft and Doris S. Kraft by deed dated September 12, 1980 and recorded in Liber 5587 at Folio 097 and also being all of Parcel "B" as shown on Plat No. 9547

12.) From James G. Davis, et al by deed dated February 20, 1967 and recorded in Liber 5430 at Folio 597 and also being a portion of Lots 3, 4, and 5, Block 9 as shown on Plat Book 8 as Plat No. 3

13.) From Wesley R. Weese, et al by deed dated February 20, 1967 and recorded in Liber 5574 at Folio 072

14.) From Progressive Color Corporation by deed dated August 26, 1980 and recorded as Liber 5568 at Folio 172 and also being a portion of Lot 3, Block "A" as shown on Plat No. 10000

15.) From Gerald J. Schipper, et al by deed dated February 20, 1967 and recorded in Liber 5538 at Folio 738

16.) Part of the property from Maloney Concrete Company by deed dated December 1, 1978 and recorded in Liber 5248 at Folio 763 and also part of Parcel "A", Block "B" as shown on Plat No. 8899

17.) Abandonment of Part of Parklawn Drive as recorded in Liber 5841 at Folio 378 and Outlot "A" as shown on Plat No. 16938

3

18.) Abandonment of part of an alley as recorded in Liber 5850 at Folio 211, Outlot "C" as shown on Plat No. 16938

19.) From the Baltimore and Ohio Railroad Company by deed dated August 21, 1979 and recorded as Liber 5538 at Folio 791 and also being all of Lot 13, part of Lot 14 and a portion of a ten (10) foot alley, Block 8, Spring Lake Park, recorded in Plat Book 8 as Plat No. 3 and also being a portion of Parklawn Drive, 80 foot wide and a portion of Ardennes Road, 70 foot wide all among the Land Records of Montgomery County, Maryland

All as more particularly described as follows:

PART 1

Beginning for the same at a point on the southerly right-of-way line of Ardennes Road, 70 feet wide, as recorded in Plat Book 65 at Plat 5761, said point marking the northerly common corner with Halpine Baptist Church, recorded in Liber 3439 at Folio 50 and shown on a Plat recorded in Plat Book 80 at Plat 8189 all among the Land Records of Montgomery County, Maryland; thence running with said southerly right-of-way line of Ardennes Road

1.) 161.35 feet along the arc of a non-tangent curve to the left having a radius of 635.00 feet and a chord bearing and distance of South 47° 41' 01" East, 160.91 feet to a point marking the common northerly corner with Lot 2, Block A, Spring Lake Park, Halpine Subdivision, recorded as Plat No. 8167 among the aforesaid Land Records; thence running with said common line of Lot 2, Block A, and with the common line of Lot 4, Block A, Spring Lake Park, Halpine Subdivision, recorded as Plat No. 9655 among the aforesaid Land Records, the following three (3) courses and distances

2.) South 21° 09' 04" West, 265.53 feet to a point; thence

3.) North 88° 01' 41" East, 129.65 feet to a point; thence

4.) South 00° 02' 53" East, 207.54 feet to a point; thence running with the outline of Parcel A and B Spring Lake Park, recorded as Plat No. 9547 and with the property of John R. Mohler and B. Joseph Tibolla as recorded in Liber 5712 at Folio 326 all among the aforesaid Land Records, the following seven (7) courses and distances

5.) North 89° 23' 20" East, 119.92 feet to a point; thence

6.) South 45° 59' 26" East, 17.27 feet to a point; thence

- 7.) South $00^{\circ} 37' 47''$ East, 112.84 feet to a point; thence
- 8.) South $89^{\circ} 26' 19''$ West, 10.20 feet to a point; thence
- 9.) South $00^{\circ} 33' 40''$ East, 169.99 feet to a point; thence
- 10.) South $89^{\circ} 26' 20''$ West, 80.00 feet to a point; thence
- 11.) South $00^{\circ} 33' 40''$ East, 108.93 feet to a point on the northerly right-of-way line of Parklawn Drive, 80 feet wide; thence running with said northerly right-of-way line of Parklawn Drive
- 12.) South $89^{\circ} 26' 20''$ West, 120.00 feet to a point marking the common line with Michael and Ziona Tuchler as recorded in Liber 3663 at Folio 355; thence leaving said northerly right-of-way line of Parklawn Drive and running with said common line of Michael and Ziona Tuchler, the following four (4) courses and distances
- 13.) North $00^{\circ} 33' 40''$ West, 98.93 feet to a point; thence
- 14.) South $89^{\circ} 26' 20''$ West, 166.97 feet to a point; thence
- 15.) South $48^{\circ} 04' 16''$ West, 39.38 feet to a point; thence
- 16.) South $06^{\circ} 54' 40''$ East, 73.36 to a point on the aforesaid northerly right-of-way line of Parklawn Drive; thence running with said right-of-way of Parklawn Drive, the following three (3) courses and distances
- 17.) South $89^{\circ} 26' 30''$ West, 23.86 feet to a point; thence
- 18.) 100.62 feet along the arc of a tangent curve to the left having a radius of 65.00 feet and a chord bearing distance of South $45^{\circ} 05' 41''$ West, 90.87 feet to a point; thence
- 19.) South $00^{\circ} 44' 53''$ West, 43.43 feet to a point on the westerly right-of-way line of Wicomico Avenue; thence running with said westerly right-of-way line of Wicomico Avenue, the following three (3) courses and distances
- 20.) South $50^{\circ} 52' 20''$ West, 0.21 feet to a point; thence
- 21.) South $00^{\circ} 36' 40''$ East, 214.06 feet to a point; thence
- 22.) South $89^{\circ} 23' 20''$ West, 34.00 feet to a point on the northerly line of the Baltimore and Ohio Railroad; thence running with said northerly line of the Baltimore and Ohio Railroad, the following six (6) courses and distances

- 23.) North 42° 00' 40" West, 28.48 feet to a point; thence
- 24.) North 42° 00' 35" West, 706.20 feet to a point; thence
- 25.) North 86° 58' 44" West, 19.61 feet to a point; thence
- 26.) North 41° 58' 44" West, 36.83 feet to a point; thence
- 27.) North 03° 01' 16" East, 19.56 feet to a point; thence
- 28.) North 42° 08' 11" West, 93.84 feet to a point on the North 36° 04' 00" West, 938.05 foot line of Parcel A, Block B, Spring Lake Park, recorded as Plat No. 8899 among the aforesaid Land Records, being 73.47 feet southeasterly from the northwesterly end thereof; thence running so as to cross and include a portion of the property of Washington Metropolitan Area Transit Authority as acquired in Liber 5248 Folio 763, Liber 5801 Folio 457 and Liber 5434 Folio 504 and with the common line of Halpine Square, Parcel A as recorded on Plat No. 18874 and Parcel B, Halpine Square as recorded on Plat No. 19988 all among the aforesaid Land Records
- 29.) North 50° 15' 07" East, 699.04 feet to a point; thence running with the common line of the aforesaid Parcel B, Halpine Square as recorded on Plat No. 19988 and with the common line of the property of Halpine Baptist Church as recorded in Liber 3439 Folio 50 and Liber 3044 Folio 649 and also Parcel A, Halpine Baptist Church recorded as Plat Book 80 Plat No. 8189 all among the aforesaid Land Records
- 30.) North 58° 34' 59" East, 340.27 feet to the point of beginning containing 704,972 square feet or 16.18393 acres of land.

PART 2

Beginning for the same at the point of beginning as described in Part 1; thence running so as to cross and include a portion of said Ardennes Road

- 1.) North 49° 35' 44" East, 70.00 feet to a point; thence running with the outline of said Ardennes Road, the following four (4) courses and distances
- 2.) 271.54 feet along the arc of a non-tangent curve to the left having a radius of 565.00 feet and a chord bearing and distance of South 54° 10' 21" East, 268.93 feet to a point; thence
- 3.) South 67° 56' 26" East, 165.00 feet to a point; thence

4.) 39.27 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a chord bearing and distance of North 67° 03' 34" East, 35.36 feet to a point; thence

5.) South 22° 03' 34" West, 120.00 feet to a point marking the northerly line of Lot 3, Block A, Spring Lake Park Halpine Subdivision, recorded as Plat No. 10000 among the aforesaid Land Records; thence running with the common line of said Lot 3, Block A, the following three (3) courses and distances

6.) 39.27 feet along the arc of a non-tangent curve to the left having a radius of 25.00 feet and a chord bearing and distance of North 22° 56' 26" West, 35.36 feet to a point; thence

7.) North 67° 56' 26" West, 165.00 feet to a point; thence

8.) 143.83 feet along the arc of a tangent curve to the right having a radius of 635.00 feet and a chord bearing and distance of North 61° 27' 06" West, 143.52 feet to a point marking the easterly end of the first (1st) or 161.35 foot curved line as described in Part 1; thence running reversly with said first (1st) or 161.35 foot curved line

9.) 161.35 feet along the arc of a tangent curve to the right having a radius of 635.00 feet and a chord bearing and distance of North 47° 41' 01" West, 160.91 feet to the point of beginning containing 33,753 square feet or 0.77486 acres of land.

Total Area included in description is 738,725 square feet or 16.95879 acres of land.

Section 2. That all territory hereby annexed to the City of Rockville and the persons residing thereon shall, after the effective date of this resolution, be subject to the Charter, laws, ordinances and regulations of said City.

Section 3. That as soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register both the original boundaries and the new boundaries of the City with the City Clerk of Rockville, with the Clerk of the Circuit Court for Montgomery County, Maryland, with the Maryland-National Capital Park and Planning

Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference.

NOTE: [Brackets] indicate material deleted.
Underlining indicates material added.

* * * * *

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council of Rockville at its meeting of

Claire F. Funkhouser, CMC, City Clerk




City of Rockville

MEMORANDUM

December 16, 2004

TO: Mayor and Council

FROM: Planning Commission

VIA: Scott E. Parker, AICP, Planner III 

SUBJECT: Planning Commission Recommendation Regarding Twinbrook Commons
Applications: Annexation petition ANX2004-00136; Sectional Map Amendment
MAP2004-00090; Text Amendment TXT2004-00213; Preliminary Development
Plan PDP2004-00009

On December 15, 2004, the Planning Commission, at a regularly scheduled and advertised meeting, reviewed and provided recommendations to the Mayor and Council on the items referenced above, as provided in the Ordinance. The Planning Commission considered all of the applications referenced above together, and provided one comprehensive recommendation.

Concerning the first item referenced above, application ANX2004-00136, the Planning Commission conducted a public hearing regarding the annexation of 16.95-acres of property associated with the Twinbrook Commons development. These 16.95 acres are currently under the jurisdiction of Montgomery County. This public hearing item was conducted first, and five members of the public spoke to the application. The response was generally favorable.

The following items, which were considered together, were as follows:

MAP2004-00090--A sectional Map amendment to change the zoning of the 16.95-acres of land to be annexed; to change the zoning of the 1.77-acre Suburban Propane property from I-2 to RPC; and to reaffirm existing RPC zoning on portions of the property adjacent to Chapman Avenue.

TXT2004-00213--Text Amendment to amend Article 14, creating a new Section 25-710-28, creating an optional method of development for proposals near the Twinbrook Metro station.

Page 2
December 16, 2004

PDP2004-00009- Preliminary Development Plan (PDP) for the development of the Metro site.

The Planning Commission voted 6-0 to recommend approval of all the applications of the proposal. Specific comments from the individual commissioners are noted below.

Commissioner Johnson started the deliberations, stating that the concept is terrific, and is looking forward to the use permits to look at the proposal's details.

Commissioner Holz echoed Mr. Johnson's comments, adding that he commended the applicant for its outreach efforts to the community. He also stated that everyone is worried about traffic, but that Smart Growth starts at the Metro.

Commissioner Mullican stated that she has always supported this project, and has been impressed with the support and reasonableness of the Twinbrook Citizens Association (TCA). She stated that traffic was going to increase no matter what, and that this was a good development.

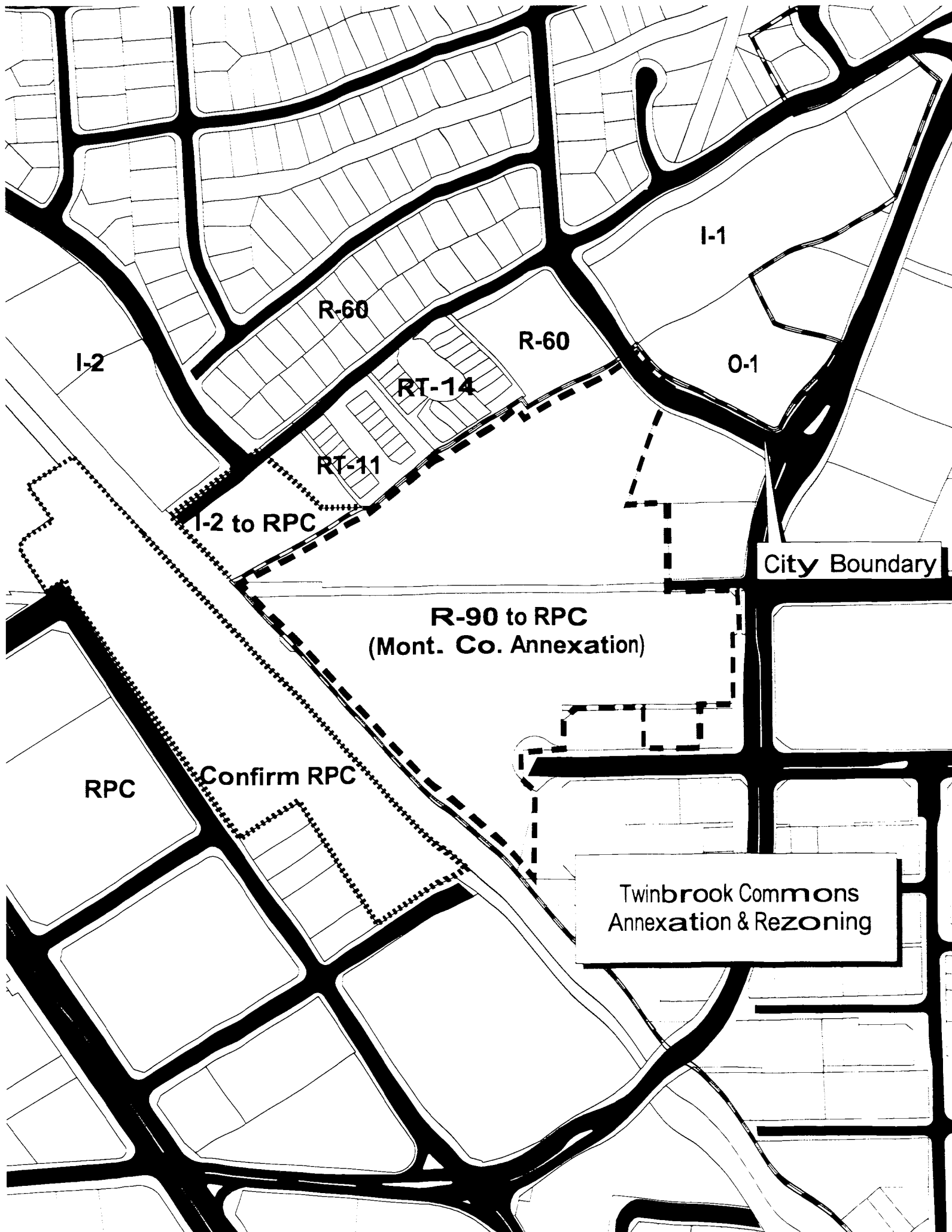
Commissioner Ostell stated that she supported the proposals. She further stated that the Montrose (and perhaps other) neighborhoods should have more input. Although expressing some concern over the project, she did compliment the applicant on their design and environmentally sensitive features.

Commissioner Britton also complimented the applicant on its outreach efforts and stated that the field visit was very helpful. He further stated that cut-through traffic should be addressed.

Chairman Hilton commented last, stating that the proposal contained a lot of positives. He also stated that an awful lot of residential units are coming online, and that at some point the City will need to address the issue of adequacy of fire protection through any APFO discussions.

/sep

10



I-2

R-60

R-60

I-1

O-1

RT-14

RT-11

I-2 to RPC

City Boundary

R-90 to RPC
(Mont. Co. Annexation)

RPC

Confirm RPC

Twinbrook Commons
Annexation & Rezoning